

U.S. DISTRICT COURT  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

2015 MAR 31 AM 11:16

*R. West*

FINLEY H. MERRY, ) CLERK  
 ) SO. DIST. OF GA.  
 Plaintiff, )  
 )  
 v. ) CASE NO. CV413-137  
 )  
 CREIGHTON W. SOSSOMON, )  
 individually; JANET ALLISON )  
 SOSSOMON, as partner of )  
 Creighton W. Sossomon; and )  
 CREIGHTON W. SOSSOMON & JANET )  
 A. SOSSOMON, a partnership; )  
 )  
 Defendants. )  
 )

O R D E R

Before the Court is Plaintiff Finley H. Merry's Motion to Dismiss Without Prejudice. (Doc. 13.) In the motion, Plaintiff seeks to voluntarily dismiss this case without prejudice based on the Chapter 7 bankruptcy proceedings against Defendant Creighton W. Sossomon currently pending in the Western District of North Carolina. (Id. at 1.) Defendant Janet Allison Sossomon has responded in opposition, requesting that "the Court make a term of the dismissal that Plaintiff reimburse Defendant [Janet Sossomon] all costs and expenses, including attorney fees, incurred in the defense of this action." (Doc. 14 at 2.) After careful consideration, Plaintiff's motion is **GRANTED** and this case is **DISMISSED WITHOUT PREJUDICE**. Should

Plaintiff refile this suit, Defendant Janet Sossomon can seek costs pursuant to Federal Rule of Civil Procedure 41(d) at that time. As a result of dismissal, the pending Report and Recommendation is **DISMISSED AS MOOT**. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 31<sup>st</sup> day of March 2015.



WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA